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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,512	03/17/2004	John R. Lewis	MVIS 98-52 C 3	3964

7590 07/12/2006
Microvision, Inc.
6222 185th Avenue NE
Redmond, WA 98052

EXAMINER

ROBINSON, MARK A

ART UNIT PAPER NUMBER

2872

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/802,512	Applicant(s) LEWIS ET AL.	
	Examiner Mark A. Robinson	Art Unit 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 47-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 47-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 47,48,50 and 52-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krichever (US 5988502) in view of Conemac (US 6175440).

As discussed previously, Krichever discloses an image capture device or bar code scanner including plural laser diode beam emitters (201,202,300,etc.; note also col. 7 lines 66-67) able to operate sequentially and sharing a common scanning mirror(207,1322), a photodetector(212,1324) outputting a signal to a decoder(217,218,etc.) which decodes a bar code symbol(208). Note that the beams are scanned in substantially non-overlapping regions as taught in col. 9 lines 17-36 (line 35 states "two regions are entirely separate"). Further, it is clear from a reading of col. 9 lines 17-36 that each non-overlapping scan

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region is comprised of a plurality of immediately adjacent and substantially parallel scan lines such as those shown in fig. 10b. Although it is apparent that the separate non-overlapping regions disclosed by Krichever must abut each other in order for the bar code to be accurately read, such a feature is not explicitly disclosed by the reference.

However, the division of a scanning area into a plurality of regions is well known in the art. An example is given by Conemac who discloses a scanning device which scans beams in respective two-dimensional, substantially non-overlapping regions abutting each other wherein each region is comprised of parallel scan lines (see figs. 3 and 4). Therefore, it would have been obvious to the ordinarily skilled artisan at the time of invention to use Conemac's scan pattern comprising the plurality of abutting scan regions in Krichever's device in order to increase the speed at which the surface is scanned as taught by Conemac (abstract).

Regarding new claims 55-58, the device of Krichever in view of Conemac includes two scan axes as discussed above which may constitute a fast and slow axis, respectively, wherein the regions abut each other "adjacent in a dimension corresponding to the slow scan axis."

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3. Claims 47,48 and 50-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Metlitsky (US 5545886) in view of Conemac (US 6175440).

As discussed previously, Metlitsky discloses an image capture device or bar code scanner including plural laser diode beam emitters(81-83) able to operate sequentially and sharing a common scanning mirror(76), a photodetector(15) outputting a signal to a decoder(20) which produces a bitmap (fig. 19) image of the field of view. Metlitsky does not show a two dimensional scan pattern in abutting and substantially non-overlapping scan regions each having a plurality of immediately adjacent and substantially parallel scan lines.

However, the division of a scanning area into a plurality of regions is well known in the art. An example is given by Conemac who discloses a scanning device which scans beams in respective two-dimensional, substantially non-overlapping regions abutting each other wherein each region is comprised of parallel scan lines (see figs. 3 and 4). Therefore, it would have been obvious to the ordinarily skilled artisan at the time of invention to use Conemac's scan pattern comprising the plurality of abutting scan regions in Metlitsky's device in order to increase the speed at which the surface is scanned as taught by Conemac (abstract).

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Regarding new claims 55-58, the device of Metlitsky in view of Conemac includes two scan axes as discussed above which may constitute a fast and slow axis, respectively, wherein the regions abut each other "adjacent in a dimension corresponding to the slow scan axis."

4. Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Metlitsky in view of Conemac as applied to claim 47 above, and further in view of Obata (US 5597997).

Metlitsky in view of Conemac further discloses emission and detection of a plurality of unique wavelengths of light (fig. 17), but does not explicitly teach plural photodetectors for receiving the light. However, Obata teaches multiple detectors for the various wavelengths (see fig. 6a). It would have been obvious to the ordinarily skilled artisan at the time of invention to use plural detectors as shown by Obata as an art-recognized equivalent means for multiple wavelength detection as the detecting arrangement shown by Metlitsky in view of Conemac. Note that the use of multiple detectors would also provide greater flexibility in the positioning or calibration of the individual detectors.

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5. Claim 49 rejected under 35 U.S.C. 103(a) as being unpatentable over Krichever in view of Conemac as applied to claim 47 above, and further in view of Obata.

Krichever further discloses emission and detection of a plurality of unique wavelengths of light (note the paragraph bridging col. 7-8), but does not explicitly teach plural photodetectors for receiving the light. However, Obata teaches multiple detectors for the various wavelengths (see fig. 6a). It would have been obvious to the ordinarily skilled artisan at the time of invention to use plural detectors as shown by Obata as an art-recognized equivalent means for multiple wavelength detection as the detecting arrangement shown by Krichever in view of Conemac. Note that the use of multiple detectors would also provide greater flexibility in the positioning or calibration of the individual detectors.

6. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krichever in view of Conemac as applied to claim 47 above, and further in view of Metlitsky.

Krichever in view of Conemac does not teach producing a bitmap of the decoded image. However, Metlitsky does teach producing a bitmap of the decoded image as noted above. It would have been obvious to the ordinarily skilled artisan at the

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time of invention to produce a bitmap of Krichever in view of Conemac's image to enable computer storage and/or analysis of the image.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Robinson whose telephone number is (571) 272-2319.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn, can be reached at (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2800.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MR

7/7/06


MARK A. ROBINSON
PRIMARY EXAMINER